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FISCAL IMPACT STATEMENT

LS 6470

BILL NUMBER: HB 1065

NOTE PREPARED: Feb 11, 2010

BILL AMENDED: Feb 11, 2010

SUBJECT: Various Provisions Concerning Firearms.

FIRST AUTHOR: Rep. Bischoff

FIRST SPONSOR: Sen. Nugent

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Firearm in Locked Vehicle*- The bill prohibits a person, including an individual, a corporation, and a governmental entity, from adopting or enforcing a policy or rule that prohibits or has the effect of prohibiting an individual from legally possessing a firearm that is locked in the individual's vehicle while the vehicle is in or on the person's property, unless the firearm requires a certain federal license to possess.

Exceptions to Possess Firearm- The bill excepts possession of a firearm: (1) on school property, on property used by a school for a school function, or on a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; (4) in violation of federal law; (5) on property belonging to an approved postsecondary educational institution; (6) at a person's residence; and (7) on the property of a domestic violence shelter.

No Court Jurisdiction- The bill provides that a court does not have jurisdiction over an action that: (1) is brought against an employer who is in compliance with the prohibition against adoption or enforcement of a policy or rule that prohibits the possession of a firearm in a locked vehicle; and (2) is brought to recover for any injury or damage resulting from the employer's compliance.

Civil Action- The bill authorizes a person harmed by a violation to bring a civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation.

Lawful Possession of Firearm- The bill prohibits the state, a political subdivision, or any other person from prohibiting or restricting the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during a declared disaster emergency, energy emergency, or local disaster

emergency, subject to exceptions that apply to the prohibition against adoption or enforcement of a policy or rule that prohibits the possession of a firearm in a locked vehicle.

Employers, Employees, and Firearms- The bill prohibits a compliant employer from being fined or cited by the Department of Labor based on the employer's compliance, and specifies that an injury suffered by an employee as the result of an employee bringing a firearm onto an employer's property does not arise out of or in the course of employment for purposes of worker's compensation law.

Repealer and Deletion- The bill repeals provisions that allow certain political subdivisions to adopt emergency ordinances to regulate firearms if a local disaster emergency has been declared. The bill deletes an outdated reference.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: *Summary-* There are no data available to indicate how many additional civil actions would occur from the adoption or enforcement of ordinances, resolutions, policies, or rules prohibiting the possession of firearms on certain property or in locked vehicles.

(Revised) *Employers, Employees, and Firearms-* It is unknown how many accidents involving firearms occur in places of employment in Indiana. The provision would affect the conditions under which fines could be imposed by the Commissioner of the Department of Labor under the Indiana Occupational Safety and Health Act. Fines start at \$5,000 or \$7,000 per serious violation (where death or serious injury is involved). Repeated violations can increase fines up to \$70,000 in some cases. Fines are deposited in the state General Fund.

Background- Civil Court Costs: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Civil Court Costs:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources: Department of Labor, 234-4267

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